

SENATE BILL No. 339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-12-5.

Synopsis: Sex and violent offender notification. Requires a sheriff or the police chief of Indianapolis to notify certain individuals that a convicted sex or violent offender is residing in the community.

Effective: July 1, 2004.

Rogers

January 12, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 339

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-12-5, AS AMENDED BY P.L.55-2003,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 5. (a) Subject to section 13 of this chapter, the
4 following persons must register under this chapter:

5 (1) An offender who resides in Indiana. An offender resides in
6 Indiana if either of the following applies:

7 (A) The offender spends or intends to spend at least seven (7)
8 days (including part of a day) in Indiana during a one hundred
9 eighty (180) day period.

10 (B) The offender owns real property in Indiana and returns to
11 Indiana at any time.

12 (2) An offender not described in subdivision (1) who works or
13 carries on a vocation or intends to work or carry on a vocation full
14 time or part time for a period of time:

15 (A) exceeding fourteen (14) consecutive days; or

16 (B) for an aggregate period of time exceeding thirty (30) days;
17 during any calendar year in Indiana, whether the offender is

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1 financially compensated, volunteered, or is acting for the purpose
2 of government or educational benefit.

3 (3) An offender not described in subdivision (1) who is enrolled
4 or intends to be enrolled on a full-time or part-time basis in any
5 public or private educational institution, including any secondary
6 school, trade, or professional institution, or institution of higher
7 education in Indiana.

8 (b) Except as provided in subsection (e), an offender who resides in
9 Indiana shall register with the sheriff of the county where the offender
10 resides. If an offender resides in more than one (1) county, the offender
11 shall register with the sheriff of each county in which the offender
12 resides. However, if an offender resides in a county having a
13 consolidated city, the offender shall register with the police chief of the
14 consolidated city.

15 (c) An offender described in subsection (a)(2) shall register with the
16 sheriff of the county where the offender is or intends to be employed or
17 carry on a vocation. However, an offender described in subsection
18 (a)(2) who is employed or intends to be employed or to carry on a
19 vocation in a consolidated city shall register with the police chief of the
20 consolidated city. If an offender is or intends to be employed or carry
21 on a vocation in more than one (1) county, the offender shall register
22 with the sheriff of each county. However, if an offender is employed or
23 intends to be employed or to carry on a vocation in a county containing
24 a consolidated city and another county, the offender shall register with
25 the police chief of the consolidated city and the sheriff of the other
26 county.

27 (d) An offender described in subsection (a)(3) shall register with the
28 sheriff of the county where the offender is enrolled or intends to be
29 enrolled as a student. However, if an offender described in subsection
30 (a)(3) is enrolled or intends to be enrolled as a student in a county
31 containing a consolidated city, the offender shall register with the
32 police chief of the consolidated city.

33 (e) An offender described in subsection (a)(1)(B) shall register with
34 the sheriff in the county in which the real property is located. However,
35 if the offender owns real property in a county containing a consolidated
36 city, the offender shall register with the police chief of the consolidated
37 city.

38 (f) An offender shall complete a registration form. Each sheriff or
39 police chief of a consolidated city shall make the registration forms
40 available to registrants.

41 (g) The offender shall register not more than seven (7) days after the
42 offender:

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- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);

whichever occurs first.

(h) Whenever an offender registers with a sheriff or the police chief of a consolidated city, the sheriff or police chief shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's sex offender registry web site established under IC 36-2-13-5.5.

(j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:

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(1) forward a copy of the new registration form to the institute;
and

(2) notify every law enforcement agency having jurisdiction in the area where the offender resides; and

(3) provide a notice described in subsection (k) to:

(A) all occupants of residences within one thousand (1,000) feet of the offender's residence;

(B) each principal, primary administrator, or headmaster of a public or private:

(i) preschool;

(ii) elementary school; or

(iii) secondary school;

that is located within two (2) miles of the offender's residence;

(C) the principal, primary administrator, or headmaster of a public or private secondary school that the offender attends, if the offender attends a secondary school;

(D) the superintendent of the school corporation in which the offender's residence is located;

(E) the administrator of each day care center that is located within two (2) miles of the offender's residence;

(F) the president or chief administrative officer of a university or college that is located within two (2) miles of the offender's residence;

(G) the president or chief administrative officer of a university or college that the offender attends, if the offender attends a university or college; and

(H) each neighborhood association that represents the area in which the offender's residence is located.

(k) The notice required under subsection (j)(3) must include the following information:

(1) The offender's name.

(2) The address where the offender resides.

(3) Each sex or violent offense listed in IC 5-2-12-4(a):

(A) that the offender has been convicted of;

(B) that the offender has pleaded guilty to; or

(C) for which the offender has been adjudicated to be a delinquent child for an act that would be an offense if committed by an adult.

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